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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.) 2:08-CV-1133-RLH (PAL)
15 \$90,804.00 IN UNITED STATES CURRENCY,)
16 Defendant.)

17 **DEFAULT JUDGMENT OF FORFEITURE**

18 The United States filed a verified Amended Complaint for Forfeiture in Rem on September
19 8, 2010. Docket #10. The Amended Complaint (#10) alleges the defendant property:

- 20 a. is involved in a transaction or attempted transaction in violation of 18 U.S.C.
21 § 1956(a)(1), or is property traceable to such property, and is subject to
22 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);
- 23 b. is involved in a transaction or attempted transaction in violation of 18 U.S.C.
24 § 1956(a)(2), or is property traceable to such property, and is subject to
25 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A);

26 ...

- 1 c. is involved in a transaction or attempted transaction in violation of 18 U.S.C.
2 § 1957, or is property traceable to such property, and is subject to forfeiture
3 pursuant to 18 U.S.C. § 981(a)(1)(A);
- 4 d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
5 1084 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and
6 465.093, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
7 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
8 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 9 e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
10 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
11 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
12 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 13 f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
14 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A)
15 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
16 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 17 g. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
18 1952(a)(1) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,
19 465.092, and 465.093, a specified unlawful activity as defined in 18 U.S.C. §§
20 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
21 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 22 h. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
23 1952(a)(3) and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010,
24 465.092, and 465.093, a specified unlawful activity as defined in 18 U.S.C. §§
25 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
26 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

- i. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1955 and Nev. Rev. Stat. §§ 199.480, 463.160, 463.430, 464.010, 465.092, and 465.093, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- j. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1956(a)(2), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1957, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- m. is involved in violations of 31 U.S.C. § 5313, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2); and
- n. is involved in violations of 31 U.S.C. § 5324, or a conspiracy to commit such violations, or is traceable to any such violations or conspiracy, and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2). It appearing that process was fully issued in this action and returned according to law;

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...

1 On September 15, 2010, the Court entered an Amended Order for Amended Summons and
2 Warrant of Arrest in Rem for the Property and Notice and issued the Amended Summons and Warrant
3 of Arrest in Rem. #11, #12.

4 Pursuant to the Amended Order (#11), the Amended Complaint (#10), the Amended Order
5 (#11), the Amended Summons and Warrant (#12), and the Amended Notice of Complaint for
6 Forfeiture (#14) were served on the defendant property, and the Amended Notice was published
7 according to law. #13. All persons interested in the defendant property were required to file their
8 claims with the Clerk of the Court within 30 days of the publication of the Notice or within 35 days
9 of actual notice of this action, as applicable, followed by the filing of an answer to the Amended
10 Complaint within 21 days after the filing of their respective claims. #10, #11, #12, #14.

11 Public notice of the forfeiture action and arrest was given to all persons and entities by
12 publication on the official government website www.forfeiture.gov from September 25, 2010 through
13 October 24, 2010. #13, p. 2-4.

14 On October 15, 2010, the United States Marshals Service served the Amended Complaint
15 (#10), the Amended Order (#11), the Amended Summons and Warrant of Arrest in Rem for the
16 Property (#12), and the Amended Notice by executing them on the defendant property. #14, p. 2-25.

17 On October 26, 2010, the Notice of Filing Proof of Publication was filed. #13.

18 On November 11, 2010, the United States entered a Notice of Forfeiture Agreement from
19 Criminal Case regarding John DeCrosta, showing DeCrosta agreed to the forfeiture of the property
20 in the criminal proceedings, and not requiring the United States to serve him any further regarding the
21 currency. #15, p. 5-10.

22 No person or entity has filed a claim, answer, or responsive pleading within the time permitted
23 by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

24 On December 1, 2010, the United States filed a Request for Entry of Default against the
25 defendant property and all persons or entities who claim an interest in the defendant property in the
26 above-entitled action. #16.

1 On December 2, 2010, the Clerk of the Court entered a Default against the defendant property
2 and all persons or entities who claim an interest in the defendant property in the above-entitled action.
3 #17.

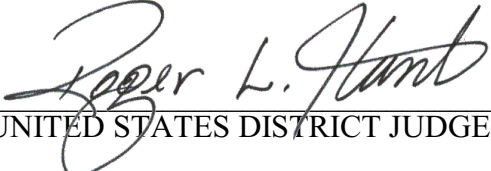
4 JOHN DeCROSTA is not in the military service within the purview of the Servicemembers
5 Civil Relief Act. #16-3.

6 The allegations of the Complaint are sustained by the evidence and are adopted as findings
7 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
8 in the Complaint.

9 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
10 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
11 who claim an interest in the defendant property in the above-entitled action.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
13 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
14 shall exist in any other party.

15 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
16 cause for the seizure or arrest of the defendant property.

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18 
19 UNITED STATES DISTRICT JUDGE

20 DATED: December 15, 2010
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